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Attorneys for Defendant  
DSW SHOE WAREHOUSE, INC.  
*\*pro hac vice* to be sought

**NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SOPHIA WINGATE and LINDSAY RUCKER, individually and on behalf of all others similarly situated

Case No. 4:19-cv-05324-DMR

**STIPULATION TO STAY ACTION PENDING  
MDL TRANSFER MOTION; ORDER**

**Date:** November 21, 2019

**Time:** 1:30 p.m.

Ctrm: 3, 17th Floor

**Judge:** Hon. Richard Seeborg

## Plaintiffs,

DSW SHOE WAREHOUSE, INC.

### Defendant

1       Defendant DSW Shoe Warehouse, Inc. (“DSW”) and Plaintiffs Sophia Wingate and Lindsay  
2 Rucker (“Plaintiffs”) (collectively, the “Parties”), by and through their respective attorneys of record,  
3 hereby stipulate to stay this action as follows:

4       WHEREAS, Plaintiffs filed their Complaint on August 25, 2019;

5       WHEREAS, DSW was served with the Complaint on August 29, 2019;

6       WHEREAS, on October 10, 2019, DSW moved the Judicial Panel on Multidistrict Litigation  
7 (“JPML”) pursuant to 28 U.S.C. Section 1407 to transfer this action and three additional actions to the  
8 Southern District of Ohio for coordinated or consolidated proceedings (“Transfer Motion”);

9       WHEREAS, on October 11, 2019, the JPML set the briefing schedule on DSW’s Transfer  
10 Motion, with responses due November 1, 2019, and DSW’s reply brief due November 8, 2019;

11       WHEREAS, on October 16, 2019, DSW moved to stay this action pending the JPML’s resolution  
12 of DSW’s Transfer Motion (*see* Dkt. No. 19) (“Motion to Stay”);

13       WHEREAS, on October 21, 2019, the JPML issued an order setting a hearing on DSW’s Transfer  
14 Motion on December 5, 2019;

15       WHEREAS, Plaintiffs’ opposition to DSW’s Motion to Stay is currently due October 30, 2019  
16 (*see* Civil L.R. 7-3(a)); and

17       WHEREAS, the Parties agree that this action should be stayed in its entirety pending the JPML’s  
18 resolution of the Transfer Motion, and that all currently scheduled case deadlines should be vacated.

19       THEREFORE, IT IS HEREBY STIPULATED by the Parties that (1) this action is stayed and  
20 either party may move to reopen the case at the appropriate time; (2) all currently scheduled case  
21 deadlines are hereby vacated; and (3) within five (5) days of the JPML’s decision on DSW’s Transfer  
22 Motion, the Parties shall file a joint report notifying the Court of same.

23       **IT IS SO STIPULATED.**

24       Dated: October 29, 2019

AKIN GUMP STRAUSS HAUER & FELD LLP

25  
26       By /s/ Michael J. Stortz

Michael J. Stortz

27       Attorneys for Defendant  
28 DSW SHOE WAREHOUSE, INC.

1 Dated: October 29, 2019

2 By /s/ William H. Beaumont  
3 William H. Beaumont (pro hac vice)

4

5 Attorney for Plaintiffs  
6 SOPHIA WINGATE and LINDSAY RUCKER

7

8 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

9 Pursuant to Civil Local Rule 5-1(i)(3), I, Michael J. Stortz, hereby attest that I have obtained  
10 concurrence in the filing of this document from the other signatory to this document.

11 I declare under penalty of perjury under the laws of the United States of America that the  
12 foregoing is true and correct.

13 Executed this 30th day of October, 2019, in San Francisco, California.

14

15 By: /s/ Michael J. Stortz  
16 Michael J. Stortz

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18 Dated: 10/30/19

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